



Vlaamse Vereniging voor de Verenigde Naties

**Model United Nations - Flanders, 3rd Edition
SIMULATION EXERCISE - December 2007**

CASE 2007-2008

**Final Status Negotiations on Kosovo
within the UN Security Council ©**

**Case developed by
Dr. David Criekemans ¹**

**EYES
ONLY**

Problem and setting

For more than eight years since the unanimous adoption of resolution 1244 (1999) by the UN Security Council, the international community has been trying to find a solution to the 'final status' of Kosovo. Since February 2007, this debate is accelerating; the Special Envoy of the UN Secretary-General, Mr. Martti Ahtisaari, unveiled a plan to set Kosovo on a path to independence. The plan –although fully backed by the West– is highly controversial, both in Serbia and in Russia. To make matters worse, the relations between the Russian federation and some Western countries such as the United States of America and the United Kingdom have rapidly deteriorated as a result of conflicting interests; (1°) Washington's intention to install anti-ballistic missile-facilities in the Czech republic and Poland "to protect against Iran" (but Moscow thinks it is targeting Russia); (2°) the UK-Russia row over the murder of ex-FSB spy Litvinenko, and Moscow's unwillingness to extradite the FSB-spy and main suspect Lugovoi, resulting in the reciprocal expulsion of British and Russian diplomats; (3°) Western fears over Russia's reliability and intentions regarding its gas and oil deliveries; (4°) the Russian row with Canada and the US about their respective territorial claims over the North Pole (gas & oil reserves); (5°) Russia's restlessness over a further NATO-enlargement. *The 'Kosovo-dossier' risks becoming a victim of the rapidly deteriorating East-West-relationship.* Russia might very well decide to take a stand in this dossier, bearing in mind its symbolic importance as a precedent in other potential secession cases and to repel any further Western intrusion in what they consider to be their 'sphere of influence'. This setting forms the core of the negotiation exercise which you are about to embark upon. ²



¹ **Dr. David Criekemans** is a Postdoctoral Researcher at the research group 'Diplomacy and Geopolitics' with the Department of Political Sciences at the University of Antwerp (Belgium), a Senior Researcher 'European and Global Relations' at the Flemish Centre for International Policy (FCIP) in Antwerp, and a Lecturer in 'Geopolitics' both at the Royal Military Academy in Brussels (Belgium) and at the International Centre for Geopolitical Studies (ICGS) in Geneva (Switzerland). He can be reached at david.criekemans@ua.ac.be.

² The author would like to thank **Mr. Timon Bo Salomonson** (Diplomat at the Belgian federal Foreign Service, Section ESDP/NATO), **Prof. dr. Gyula Csurgai** (Professor at the Geneva School of Diplomacy & Director of the International Centre for Geopolitical Studies in Geneva, Switzerland) and **Mrs. Yvonne Havenga** (Assistant at the University of Antwerp) for their useful comments on an earlier draft of this text.

Historical Background (1): a brief history of the broader region



The Balkans can be considered as one of the most volatile areas in the world. Conflicts that evolve in this part of Europe are often tied into *or* may even affect *the global balance of power*, as the history of the twentieth century has proven both in 1914 as in 1991. The Balkans constitute a *buffer zone* which is influenced geopolitically after a shift in the global equilibrium. New power distributions also affect the regional minority issues, border questions, territorial contests and alliances. The origins of the divisions in the Balkans go as far back as the Western and Eastern Roman Empires, which divided the *catholic-christians* (today the Slovenes and the Croats) and the *orthodox-christians* (today the Serbs). The muslim factor was only introduced as a result of the invasion of Ottoman troops in the region of Kosovo, which forced the Serbs to retreat to the north. In this '*Battle for Kosovo*' in 1389 (in the '*Kosovo-Polje*'-

area), the Turkish sultan Murad I prevailed over the Serbian king Lazar. This defeat sealed the fate of Serbia for the next four centuries. Those areas which did not fall in Turkish hands, were to be governed by the Habsburg empire. In 1712, the whole of Serbia, Montenegro and Bosnia-Herzegovina fell under the influence of the Ottoman Empire. During the 19th century however, the Slavic peoples were able to very gradually push back the Ottoman sphere of influence, thanks to the help of Hungary and Russia. In 1804, Serbs revolted against the Turks, in 1830 Istanbul granted Serbia autonomy, and in 1868 the last Ottoman troops left Serbia. In 1878, the Congress of Berlin recognized the independence of Serbia. Austria-Hungary occupied Bosnia-Herzegovina and in 1908 annexed this area. In the first Balkan War of 1912, a coalition of Serbia, Montenegro, Greece and Bulgaria prevailed over the Turks, which retreated out of Macedonia. Serbia regained control of Kosovo from the Turks, a claim which was later recognized by the Treaty of London in 1913. In 1914, the Bosnian Serb nationalist Gavrilo Princip assassinated Ferdinand van Habsburg in Sarajevo, which triggered the First World War. In 1918, the '*Kingdom of Serbs, Croats and Slovenes*' was proclaimed, which lasted until 1929, when the '*Kingdom of Yugoslavia*' was proclaimed by the despotic leader Alexander I. During the Second World War, a large area of Kosovo became part of an Italian-controlled *Greater Albania*. However, Hitler was forced to come and help the Italian fascist troops to hold their positions. In 1944, the Russian Red Army freed the Partisans of Tito in Belgrade. On January 31st, 1946, the '*Socialist Federal Republic of Yugoslavia*' was proclaimed by Tito. This new state was administratively made up of six republics (Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia) and two autonomous provinces (Vojvodina and Kosovo). Only one leftist political party held all power. During the 1960s, Belgrade was showing an increasing tolerance for Kosovar autonomy. The new constitution of 1974 introduced some *aspects of decentralisation*, but not in an outright way. When Tito died in 1980, he was succeeded by a collective presidium, but gradually the feelings of *nationalism* resurfaced... (Turner, 2002; Wijnaendts, 1993)

Historical Background (2): the question of Kosovo, from 1981 till 1999

In 1981, the Albanian people in Kosovo³ (which by then represented 80% of the population) asked the Serbian government to be awarded the status of 'republic', which was denied. Riots broke out, and the Serbian government declared a state of emergency. In 1989, exactly 500 years after the 'Battle for Kosovo', a renewed unrest was growing (Wijnaendts, 1993: 19-23). Troops suppressed the violence in the province. A Serb politician, Slobodan Milošević, made a political career for himself during a ceremony which was organised to remember the 'Battle for Kosovo' as a symbol for Serbian identity. In 1989, Milošević abolished the autonomy of Kosovo within the Republic of Serbia



and also within the Yugoslav federation. On September 7th, 1990, two thirds of the Kosovar delegates met secretly to adopt a constitutional declaration which stated that Kosovo would proclaim itself a "republic within the Yugoslav federation". One year later, from September 26th till 30th, 1991, the Albanian population in Kosovo organised an underground referendum in which the new constitutional declaration was adopted by the people (De Vrieze, 2000: 5). Meanwhile in 1990, during a congress of the League of Yugoslav Communists, the idea of 'political pluralism' was accepted. In 1991, the Slovenes and Croats declared independence, and were quickly recognized by Germany (Wijnaendts, 1993: 22-23). As a result of these developments, the Kosovar delegates declared on October 19th, 1991, to be a "sovereign and independent state" (cf. principle of 'self-determination'). In July 1992, the writer Ibrahim Rugova of the Democratic League of Kosovo (LDK) was chosen as 'president' of the 'independent' Kosovo. The Albanians started to develop their own 'parallel society', with its own public institutions. However, this 'Republic of Kosovo' lacked exactly those elements which are typical of a state; control over its own territory, international recognition, passports, etc. The Serbs on the other hand, still believed it would be possible to "re-integrate" Kosovo within Serbia (cf. principle of 'territorial integrity'). Serbs and Albanians within Kosovo tried to 'think away' the other population group and their institutions. The Serbs set up the basis for a resistance movement, while the Kosovar Albanians –thanks to their population overweight– could safely plea for peace, instead of waging war. Rugova was even received by U.S. president Bill Clinton in February 1994 with the words that he "supported Rugova's peaceful politics" (De Vrieze, 2000: 7-9). Rugova was later nicknamed the "Gandhi of the Balkans", referring to his campaign of passive resistance. During the 1990s, the Balkans remained a volatile area, with wars raging (e.g. in Bosnia-Herzegovina). The conflict ended formally in 1995, when the *Dayton-Paris-Agreement* was signed between the warring parties.

Early 1998, it seemed as though no lessons were learned from the war in Bosnia. Slobodan Milošević, now president of Yugoslavia since 1997, had sent in his troops in Kosovo, to battle against the guerrilla fighters of the Kosovar Liberation Army, the UÇK. In the Dayton-Paris-Agreement little to nothing had been said or written about Kosovo. In 1998, Belgrade only experienced mild sanctions dating back from the war in Bosnia; no access to the services of the World Bank and the IMF (due to its unwillingness to start a dialogue with the Albanians in Kosovo). As a reaction to the guerrilla assaults of the UÇK, Serb troops started bombing

³ Kosovo provides both a historical cradle of Albanian "national renaissance", which began with the League of Prizren in 1878, and a centre-piece of Serbian national mythology, founded in its legendising of defeat by Ottoman Turks in the 1389 Battle of Kosovo Field (see supra). While Serbs argue their "historical right" to Kosovo and see Albanians as usurpers, Albanians claim they are descendants of the Illyrians, whose presence pre-dated the Serbs' arrival in the Balkans by several centuries (International Crisis Group, 2007).

and burning villages. The US initially hoped that Russia would be able to convince Milošević to stop the atrocities, but Moscow was only reluctantly willing to impose new 'soft' sanctions via the *Contact Group for Ex-Yugoslavia* (Van de Roer, 1999: 185-191). On March 9th, 1998, the Contact Group condemned the violence of both the UÇK and the Serb army. They demanded Milošević to stop the atrocities "within ten days". No response, and thus on March 25th, 1998, the Contact Group formulated a number of crucial principles for a solution in Kosovo; no independence and no 'status quo', but an 'enhanced status' within the Yugoslav federation. The communiqué formulated it as follows: "a substantial degree of autonomy which must include meaningful self-administration". This clearly entailed a form of autonomy which was considerably more far-reaching than under the former Yugoslav constitution of 1974. On March 31st, 1998, the UN Security Council adopted resolution 1160, declaring a new weapons embargo upon Yugoslavia, including Kosovo, but the violence continued (De Vrieze, 2000: 34-35). The fatalities grew to 2.000, the number of refugees to Albania and Macedonia numbered around 370.000 (almost 20% of the Albanian population in Kosovo). The conflict dragged on. The international community was able to force the Serbs and Albanians to the negotiation table in the French castle of Rambouillet, where talks started from February 8th, 1999 onwards. The idea was to develop a political agreement acceptable to both parties, after which the pressure upon Milošević would be increased to cease the violence. But Russia was not fully in line with the other parties within the Contact Group, one could state that hence the international community was effectively *split down the middle*. On the ground however, the atrocities of the Serb troops grew ever more appalling (De Vrieze, 2000: 75-90). On March 15th, 1999, a conference in Paris was organised on the implementation of the Rambouillet-agreements. The Kosovar Albanians signed and placed their fate into the hands of the international community, Belgrade however did not sign, even after the Russian Foreign Affairs-minister urged Milošević to do so. Milošević was convinced that agreeing on NATO-ground forces in Kosovo would also mean the end of his regime (De Vrieze, 2000: 94-95).

On March 24th, 1999, NATO started bombing Yugoslav military targets (Van de Roer, 1999: 185-191). This action was called "*a humanitarian intervention*". The problem was that the UN Security Council had not formally given the 'go ahead' for such a course of action, since the Russian federation would probably have vetoed such a resolution. The U.S. Government referred to the UN Security Council Resolutions 1199 (23 September 1998) and 1203 (24 October 1998), in which the international community had expressed its 'concern' over the developments within Kosovo. These hardly gave NATO a mandate to intervene. Moreover, as a result of the NATO-actions, the Security Council was no longer able to take a further position, which frustrated China and Russia. The question can thus be posed whether NATO at that time had not appropriated the right to place *itself* above the UN Security Council (Criekemans, 1999a & 1999b). The developments which took place back then still linger on in the minds of diplomats, in particular those from Russia and China.⁴ The NATO-bombardments, although controversial, seemed to work. On June 9th, 1999, after 78 days of air attacks, Milošević finally agreed to withdraw his troops, and NATO called off further air strikes (Turner, 2002: 1978). Milošević's dream of a '*Greater Serbia*' was mortally smashed. On June 10th, 1999, the UN Security Council unanimously adopted *Resolution 1244*. With this resolution, the Security Council responded to Milošević's actions in Kosovo by denying Serbia a role in its governance, placing Kosovo under temporary UN supervision. As a result of resolution 1244 (1999), the United Nations Mission in Kosovo (UNMIK) was established with the intention to have all legislative, executive and judicial authority throughout Kosovo. The UN set up a Kosovo Peace Implementation Force (KFOR), and NATO-forces arrived in the province. The question of Kosovo's final status was put on hold, for the time being.

⁴ In 1999, the Russian foreign minister Igor Ivanov said in his speech before the Russian Duma that the NATO-campaign '*Allied Force*' and its bombardments of Serbia could be called "*one of the darkest pages in the history of Europe after the Second World War*" (Criekemans, 1999a). China has not forgotten that NATO 'accidentally' bombed its embassy in Belgrade during *Operation Allied Force*, for which NATO apologized...

Situation on the ground (1): the 'make up' of Kosovo



Kosovo has a territory of 10.887 sq. km. The territory is composed of a variety of mountainous terrain (highest summit of 2.656 meters) and large plateaus. Its climate is continental, marked by hot summers and fairly strong winters. Some 2 million people live in Kosovo today. The capital, Pristina, is the largest city with 600.000 inhabitants. Mitrovica, in which also a Belgian military detachment is stationed, is the third largest city. The *Independent International Commission for Kosovo* has estimated that in the period between March 24 to June 19, 1999, the number of killings approximated 10,000, with the vast majority of the victims being Kosovar Albanians killed by Serbian forces. Approximately 863,000 civilians sought or were forced into refuge

outside Kosovo and an additional 590,000 were internally displaced. There is also evidence of widespread rape and torture, as well as looting and extortion. The scars of the conflict are still very much alive. Today, around 88% are ethnic Albanians, 7% are Serbs and 4% are from quite diverse nationalities (Sinti, Roma, Croats, Turks, Bosnians, Gorans, etc.).

The economic situation in Kosovo is not good. In 1998, Milošević nationalised a lot of companies in Kosovo, for instance the Trepça industrial complex in Mitrovica. This was one of the most important in Kosovo, and provided tens of thousands of Albanian Kosovars with an income (OSCE, 2006). The Serb management of the Kosovar economy forced the Albanian Kosovars to develop their own parallel 'black economy'. After Serbia withdrew in 1999, the initial economic growth was badly limited by the almost inexistent economic infrastructure of Kosovo. One of the prime objectives of UNMIK was to restore the basic utilities and services, to install a minimal social network and to rebuild Kosovo's infrastructure. The development of the primary goods and services went well, but the re-building of the infrastructure lagged behind schedule. Kosovo still lacks good telecommunication services, as well as a consistent energy and water supply, which inhibits the economic development. Furthermore, the rate of unemployment is extremely high (at least 60%), the black market and the corruption remain important problems. Kosovo does however have a limited supply of natural resources; timber, coal, lead, zinc, chromium and silver. The lack of a perspective on the final status of Kosovo has over the years hindered the development of concrete rules, regulations and laws which could have facilitated economic development. For instance, in Kosovo the Serb and Albanian populations do not have a uniform diploma-system. This poor 'knowledge basis' in the educational system is problematic for future economic development. Because the political system remains uncertain, the judicial system is fragile (International Crisis Group, 2001). Furthermore, because of its uncertain judicial situation, Kosovo cannot lend any money from international institutions.

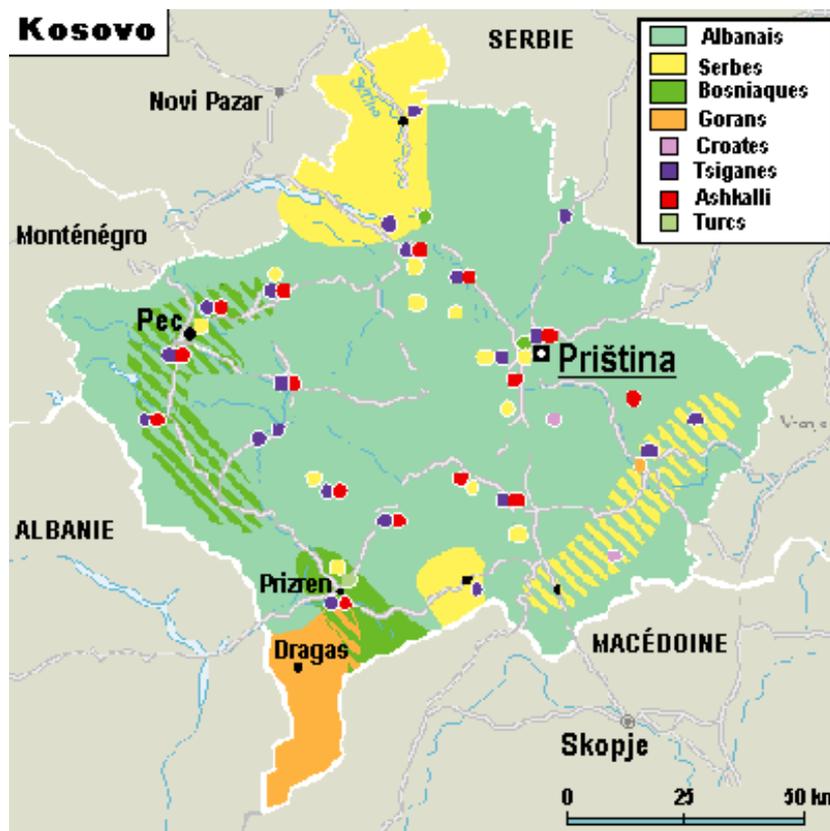
The continuing and structural unemployment has resulted in Kosovo having the lowest labour productivity in the whole of Europe. The international community thus has not been able to fundamentally reverse the economical variables. These elements show that the *only* way for the situation on the ground to improve, is to debate the *final status* of Kosovo, so as to puncture the political and judicial vacuum. In March 2004, there were clashes between the Albanian and Serb populations. This '*wake up call*' led to a new impetus in the political process; UN Envoy Kai Eide was asked to write a report on the Kosovo-situation, which he presented on October, 24th, 2005. The analysis of Eide was clear and unequivocal; the negotiations on the final status of Kosovo should *begin at once*, only then could the situation on the ground be improved and a further destabilization be avoided (Leurdijk, 2007: 6).

Situation on the ground (2): a complex geopolitical situation

During the past years, Kosovo has effectively been a U.N. protectorate, guaranteed by Western power projection. It has been forced out of the sphere of influence of the orthodox-annex-Russian power complex, a situation that is difficult to accept by the Kremlin. Some geopolitical analysts claim that the Anglo-American powers *instrumentalize* the (Western) Balkans in their geopolitical goal to contain and encircle Russia via isolating Serbia. According to these analysts, the secession of Montenegro from Serbia in June, 2006 should also be seen in this context. Serbia has become land-locked, and today finds itself in a much weaker position than a few years ago, which also reflects upon the Russian federation's role in the area. According to this view, the United Kingdom and the United States of America, together with some other partners, are thus actively engaged in *re-defining* the power balance in the region. The Kosovo-dossier can thus be considered as a "pawn" in this *high politics' geopolitical game of chess* among the major powers in the world.

A last geopolitical variable should also be taken into account when studying and negotiating this complex region; *the demographical dimension*. Three essentials can be mentioned;

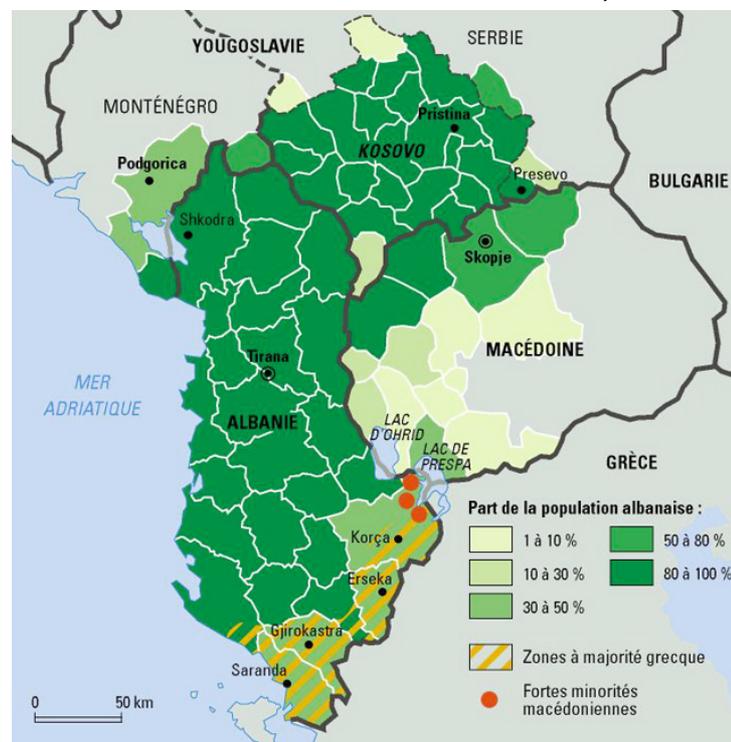
- *First*, within Kosovo itself, there are still some places where a majority of Serbs live today; to the north of the city Mitrovica (the area bordering Serbia), and a scattered group in the southeast.⁷ The map below provides a good overview. The main question in this regard is what will happen with these Serb enclaves as soon as Kosovo will become independent? What guarantees are there so as to provide the Kosovar Serbs with genuine security, and access to public goods?



Source: <http://www.tlfq.ulaval.ca/AXL/europe/Kosovo.htm>

⁷ In 1929, the Serbs represented 61% of the population in Kosovo. During World War II, 100.000 Serbs left Kosovo. After 1945, the Albanians had a much higher birth rate than the Serbs. By 1974, the Albanians represented 75% of the population in Kosovo. By the end of the 1980s, the Serbs represented 10% of the total population. Since the NATO bombings of 1999, the number of Serbs has further decreased to approximately 7% of the total population in Kosovo.

- *Second*, an independent Kosovo might have serious wider geopolitical consequences in the years to come. The population of Kosovo is young, and rapidly increasing. It would find a natural ally in Albania, although some officials in this country are not all that eager to help an economically weak Kosovo. Nevertheless, there is a real chance that the old dream of a 'greater Albania' would start materializing, which would have serious consequences for the power distribution in the whole 'Western Balkans', as they have been re-labelled in recent years. This situation is even more life-threatening for a nearby country in the south east; the Former Yugoslav Republic of Macedonia (FYROM). Already in the northern part of FYROM, a large Albanian population group is living (see map below). When Kosovo would be independent, it is clear that the 'Albanian Macedonians' would lean towards Priština. If that were to happen, the very existence of the FYROM would be mortally endangered. One should keep in mind that on the southern part of FYROM an EU- and NATO-member, Greece, also has designs on FYROM, by claiming that Macedonia was once, and always has been, a Greek province and should therefore adhere to "Athens' wishes and political steering".



Source: Rexhep Qosja, *La Question Albanaise*. Paris: Fayard, 1995.

- *Third*, the debate on the future status of Kosovo might open a 'pandora's box' in the region, and question the 'status quo'. As Professor Gyula Csurgai wrote in his book 'La nation et ses territoires en Europe centrale. Une approche géopolitique' (Peter Lang, 2005), the Kosovo debate might also generate an impact on other minorities in the region, such as the 3 million Hungarians who live outside Hungary (p. 87). If the *status quo* is transformed elsewhere, why should other peoples in similar conditions accept their predicament and not try to re-shape their situation? In particular, one could think of the northern part of Serbia, *Voivodina* or of the *Republica Srpska*, the Serbs currently still living within Bosnia-Herzegovina. The Kremlin itself warns that a Kosovar independence might also boost independence movements in such regions as South-Ossetia, Abkhazia and Transnistria.

The conclusion can thus be drawn that *every* negotiation on the 'final status' of Kosovo should take into account the wider geopolitical consequences such a decision would entail *for the region itself*, and ultimately also for *global power dynamics*. The complexity and entanglement of this dossier with other issues in current international politics cannot be underestimated.

Situation on the ground (3): deployment of stabilization forces & current impasse

For the moment, the following international presence in Kosovo can be mentioned; (1°) the *UNMIK mission*: 483 international, 1,967 national, 142 UN volunteers as of 30 March 2007, (2°) an *OSCE mission*: 1,300 staff (310 international and 990 local as of 39 September 2006) (Pillar 3) and 447 (114 international and 333 local staff as of 31 March 2007) (Pillar 4), (3°) an *initial EU mission*: 125 international staff, 336 local staff.

The European Council decided on April 10th, 2006 to establish an 'EU Planning Team' to prepare for a possible, but still uncertain *ESDP Rule of Law Mission*, focusing on advice, mentoring and monitoring of the police and judicial system in Kosovo. This civilian ESDP operation would be about 2,700 staff (*police officers, judges, customs agents*, of which +/- 2,000 international) (European Commission, 2007 & Belgian federal Foreign Service). *Conditio sine qua non* of deploying the actual mission has always been a new Security Council Resolution replacing 1244 (and based on the Ahtisaari proposal for a new Status Settlement).

An *additional problem* is the *de facto* winding down of UNMIK due to the fact that personnel is already gradually moving away to new jobs. The credibility and capacity of UNMIK to deal with security and day-to-day-governance is thus rapidly diminishing. At the same time, as long as there is no international deal on the final status of Kosovo, the EU's civilian ESDP operation cannot really start off. This situation creates an impasse which cannot be afforded to continue. Furthermore, the European Union may very well have to reconsider its position towards a situation in continuous flux.



Diplomatic Developments, October 2003 – March 2007

After 1999, a long period took place in which the debate about the final status of Kosovo was effectively frozen. In October 2003, the first direct talks between Serbian and Kosovo Albanian leaders started. In December 2003, the UN set out the conditions for final status negotiations, to be taken place in 2005. On October 24th, 2005, the UN Security Council (UNSC) gave the 'go ahead' for negotiations on the future status of Kosovo. In November 2005, the former Finnish president Martti Ahtisaari was appointed as '*Special Envoy for the future status process for Kosovo*' by the UN Secretary-General. Ahtisaari's mission was to facilitate a political settlement that would determine the future status of Kosovo. To achieve such a political settlement, Ahtisaari and his team held exhaustive negotiations with the leadership of Serbia and Kosovo. However, on January 21st, 2006, President Rugova died after a battle with lung cancer. Rugova's LDK party nominated law professor Fatmir Sejdiu as Kosovo's new president, which was confirmed by a vote in parliament on February 10th, 2006. The first rounds of face-to-face final status talks, delayed following Rugova's death, were held in Vienna, both on February 20th - 21st and on March 17th, 2006, focusing on *decentralization*. In July 2006, the first direct talks between *ethnic* Serbian and Albanian Kosovar leaders on the *future status of Kosovo* took place in Vienna. In February 2007, Special Envoy Martti Ahtisaari unveiled a plan to set Kosovo on a path to independence. In his report to the UN Secretary-General, dated March 26th, 2007 (S/2007/168), Ahtisaari wrote:

"Throughout the process and on numerous occasions, both parties have reaffirmed their categorical, diametrically opposed positions: Belgrade demands Kosovo's autonomy within Serbia, while Pristina will accept nothing short of independence. Even on practical issues such as decentralization, community rights, the protection of cultural and religious heritage and economic matters, conceptual differences – almost always related to the question of status – persist, and only modest progress could be achieved."

In his report to the UN Secretary-General Ban-Ki Moon, Ahtisaari concluded the following:

- ***Reintegration into Serbia is not a viable option***
- ***Continued international administration is not sustainable***
- ***Independence with international supervision is the only viable option***

Ban-Ki Moon supported the report fully, and tabled it to the UNSC. The most important elements of Ahtisaari's plan are the following (see also original document for a full reading):

- ***Governance:*** A new constitution will be drafted which will state that Kosovo will become a democratically governed, multi-ethnic society based upon respect for the law, human rights and fundamental freedoms. Kosovo would be able to develop its own paradiplomatic activities (*ius tractati* – concluding treaties with other countries, and *ius legationis* – membership of international organisations).
- ***The rights of communities:*** the national, cultural, linguistic and religious identities of all Communities in Kosovo will be protected. They all will be represented and able to participate in the political and decision-making processes (also in the national parliament). Kosovo will have its own national symbols (e.g. a flag). Albanian and Serb will become the two official languages. All refugees and internally displaced persons (IDP's) from Kosovo will have the right to return and reclaim their property and possessions in accordance with international and domestic law.
- ***Decentralisation:*** municipalities will form the basic units of self-government in Kosovo. These provisions aim for good governance, efficiency and effectiveness in public service. In particular they are aimed for the Serbian communities in Kosovo, which will enjoy a high degree of control over their own affairs.

- **The judicial system:** the plan tries to ensure a judicial system that is impartial, independent & professional, and a reflection of Kosovo's multi-ethnic character.
- **Protection of the religious and cultural heritage:** Ahtisaari proposed autonomy and protection of all religious denominations and their sites within the Kosovar territory. Thus, the Serbian Orthodox Church (SOC) in Kosovo will be able to function fully.⁸ The International Civilian Representative (ICR, see infra) will establish an Implementation and Monitoring Council (IMC) to monitor and facilitate full implementation of the special arrangements and protection of the SOC. NATO will also provide 'extra physical security' for specific locations until the responsibility can be transferred to the local police.
- **Returns & protection of property:** All refugees and IDPs from Kosovo will have the right to return and reclaim their property and personal possessions based upon a voluntary and informed decision. The Settlement reaffirms the principle that displaced persons will be able to return to a place of their choice in Kosovo, and not only to their original place of residence. The Settlement also calls upon Kosovo and Serbia to cooperate fully with each other and the International Committee of the Red Cross to resolve the fate of missing persons.
- **Economy:** The Settlement includes specific provisions designed to promote and safeguard sustainable economic development in Kosovo.
- **Security:** The Settlement provides for a professional, multi-ethnic and democratic Kosovo security sector, encouraging significant local ownership in its development, while retaining a level of international oversight necessary for ultimate success in this sensitive area. The Kosovo Police Force will have a unified chain of command throughout Kosovo, with local police officers reflecting the ethnic composition of the municipality in which they serve. In Kosovo Serb majority municipalities, the Municipal Assembly will have enhanced competencies in the selection of the police station commander. A new professional and multiethnic Kosovo Security Force will be established within one year after the end of the 120-day transition period envisaged in the Settlement. It will have a maximum of 2,500 active members and 800 reserve members.
- **An International Civil Representative (ICR):** this representative will be double-hatted (the same person as the European Union Special Representative). He/she will be appointed by an International Steering Group, and be the ultimate supervisory authority over implementation of the Settlement. The International Civilian Representative will have no direct role in the administration of Kosovo, but will have strong corrective powers to ensure successful implementation of the Settlement. Among his/her powers; *the ability to annul decisions or laws adopted by Kosovo authorities and sanction & remove public officials whose actions he/she determines to be inconsistent with the Settlement.* The mandate will continue until the International Steering Group determines that Kosovo reaches the terms of the Settlement.
- **A European ESDP-mission:** this European Security and Defence Policy Mission will monitor, mentor and advise on all areas related to the rule of law in Kosovo. It will have the right to investigate and prosecute independently sensitive crimes, such as organized crime, inter-ethnic crime, financial crime, and war crimes. It will also have limited executive authority to ensure Kosovo's rule of law institutions are effective and functional (e.g. in border control and in crowd and riot control).
- **An international military presence:** this will be a NATO-led military mission. It will continue the current task of the Kosovo Force (KFOR) to provide a safe and secure environment throughout Kosovo, in conjunction with the ICR and in support of Kosovo's institutions until such time as they are capable of assuming the full range of security responsibilities.

⁸ The most important Serbian Orthodox monasteries are located in Kosovo (Friesendorf, 2007).

- **Organization for Security and Cooperation in Europe mission in Kosovo:** The OSCE, with its extensive field presence in Kosovo, is requested to assist in the monitoring necessary for a successful implementation of the Settlement.
- **Implementation:** Upon the entry into force of the Settlement, there will be a 120-day transition period during which the existing mandate of UNMIK remains unchanged. During the transition period, the Kosovo Assembly, in consultation with the International Civilian Representative, will be responsible for approving a new constitution and the legislation necessary for the implementation of the Settlement and the establishment of the new Kosovo institutions it calls for. The constitution and legislation will become effective immediately upon the conclusion of the transition period. At the end of the transition period the UNMIK mandate will expire and all legislative and executive authority vested in UNMIK will be transferred *en bloc* to the authorities of Kosovo, in accordance with the Settlement. Finally, general and local elections are to be held within nine months of the entry into force of the Settlement.

Information Mission by the members of the UNSC, 24-29 April 2007

On April 19th, 2007, the members of the UN Security Council decided to go on a ‘fact finding’ or ‘Information Mission’ on the subject of the ‘Kosovo issue’ from 24 to 29 April 2007. The mission was led by Johan C. Verbeke, Permanent Representative of Belgium. The following paragraphs report on the *main elements* which were brought to light by the mission, they are *entirely* based upon the Report of this visit, dated May 4th, 2007 ([S/2007/256](#)).

Before visiting the region, the mission visited Brussels on 25 April, where it had discussions with the Secretary-General of the North Atlantic Treaty Organization (NATO), Jaap de Hoop Scheffer; the Special Envoy of the European Union for Kosovo, Stefan Lehne; and the European Enlargement Commissioner, Ollè Rehn:

- The Secretary-General of NATO described the security situation in Kosovo as calm but tense. He supported the Kosovo settlement proposal and recommendation on Kosovo’s future status proposed by the Special Envoy, Martti Ahtisaari. NATO is preparing to lead the international military presence in Kosovo as envisaged in the settlement proposal. Under the proposal, NATO would maintain responsibility for ensuring a safe and secure environment, it would supervise and train the envisaged Kosovo Security Force, and would manage the dissolution of the Kosovo Protection Corps. The protection of identified Serb patrimonial and religious sites in Kosovo, which he expected would be required for the foreseeable future, was a long-term priority and NATO was prepared to carry out this task as long as necessary. The Secretary-General emphasized that NATO would need a Security Council resolution under Chapter VII in order to accomplish these tasks.
- Stefan Lehne believed that maintaining the *status quo* in Kosovo was not possible and that further delay in the process was in nobody’s interest. He emphasized the responsibility of the European Union for Kosovo and the Union’s special interest in maintaining a stable and secure region. The EU has five objectives regarding the Kosovo issue; (a) a commitment to building a multi-ethnic Kosovo; (b) creating functional institutions based on local ownership and accountability; (c) a clear intention *not* to establish an international protectorate; (d) full engagement with Serbia; and (e) continued engagement with Kosovo’s regional neighbours. In order to pursue these objectives, the European Union was carrying out forward planning for its future role in Kosovo, without prejudging the outcome of the future status. Lehne recalled that the EU had indicated its *full support* for the Ahtisaari-proposal.

- EU Commissioner Rehn stressed that the European Union had a special stake in the successful outcome of the Kosovo future status process. The approach adopted by the Special Envoy offered the necessary solutions. Mr. Rehn underlined the need for a Security Council resolution that would provide legal and political clarity. In emphasizing the commitment of the European Union to providing Kosovo with a European perspective, he noted that only sovereign States could enter into contractual relations with the European Union, a necessary step in the accession process. Mr. Rehn believed that the prospect of the eventual integration of Kosovo into European institutions would provide a strong catalyst for Kosovo's leaders to pursue the implementation of standards and build a multiethnic, functional Kosovo. He also addressed the issue of whether Kosovo would set a precedent for other "frozen conflicts", and noted that it would be up to the Security Council to decide whether this would be the case. He believed that the Kosovo issue was *sui generis*, the result of a unique set of circumstances.

On 26 April 2007, the mission had **meetings in Belgrade** with the Prime Minister of Serbia, Vojislav Kostunica, and the Negotiating Team. The mission also met informally with representatives of civil society. Kostunica stated that, despite the constructive approach of the Serbian delegation, no agreement on Kosovo's future status had been reached. The Albanian side considered Kosovo's independence as the only viable solution. The Special Envoy, on his part, based his proposal on the presumption that Kosovo's independence was predetermined. The Prime Minister rejected such an approach and reiterated that Security Council resolution 1244 (1999) had not been fully implemented. He particularly emphasized the lack of returns of internally displaced persons, the destruction of Serb property and patrimonial sites, insufficient freedom of movement for the Kosovo Serbs and failure to bring to justice perpetrators of violence against the Serbs. Kostunica noted that Serbia was not satisfied with the *status quo*. In this regard he favoured direct talks between Belgrade and Pristina. Serb-Albanian relations had a long history and in his opinion should not be judged by the past decade alone. Serbs and Albanians were able to live side by side in southern Serbia and some 30,000 still live in Belgrade. This, in Kostunica's opinion, proved that the two communities could repair their relations in Kosovo. At the same time, he rejected threats of violence with a view to seceding from Serbia. The Serbian President Tadic on his part claimed that Serbia's sovereignty over Kosovo, reaffirmed in Security Council resolution 1244 (1999), had been challenged by the Special Envoy's proposal. According to him, the settlement proposal failed to provide for effective self-government. It offered Kosovo Serbs less than they already had and did not go far enough in the protection of Serb patrimonial sites. Serbia's plan for substantial autonomy had not been given proper consideration.

The Security Council mission also **met with the Kosovo Team of Unity** (President Fatmir Sejdiu, Prime Minister Agim Ceku, PDK leader Hashim Thaci, ORA leader Veton Surroi, Mr. Blerim Shala and Mr. Skendet Hyseni). President Sejdiu conveyed the Team of Unity's unanimous and unqualified support for the Kosovo settlement proposal and status recommendation. He regretted that, despite a lengthy negotiation process, it had not been possible to reach an agreement with the Belgrade authorities. The President reiterated that Kosovo was prepared to implement the settlement proposal in its entirety, in accordance with a recent Kosovo Assembly resolution. He emphasized that Kosovo's society was committed to a multi-ethnic state, whose goal would be integration into Euro-Atlantic structures. The Team of Unity believed that any further delay in the status process would be detrimental to Kosovo – it would not serve the interests of Kosovo's economy or of its minority communities. Kosovo's independence as outlined in the Kosovo settlement proposal now before the Security Council was the only acceptable option. Other solutions could not be contemplated.

Upon returning, the Fact Finding mission concluded the following main points;

- The overall security situation in Kosovo remains calm but tense. The memories of the conflict of 1998/99 and of the attacks of March 2004 against Serbs and against the international presence are still perceptible. While the Kosovo Albanian community is confident about the future, the Kosovo Serb community is apprehensive about its prospects for the future.
- Kosovo society is still recovering from the wounds inflicted by the conflict. Kosovo Albanian and Kosovo Serb communities remain divided and live to a large extent separately from each other. The process of full reconciliation and effective integration will require a long-term commitment by all stakeholders.
- The Provisional Institutions of Self-Government and UNMIK have made serious progress in the implementation of the standards for Kosovo. Progress has been made in establishing Provisional Institutions that are functional, and which are founded on the principles of ownership and accountability. More still has to be done, however, to implement the standards. These institutions expressed their commitment to continue and strengthen the implementation of the standards, in particular those relating to the *conditions of life* of Kosovo's minority communities.
- The return of *internally displaced persons* (IDPs) remains a critical element in the implementation of resolution 1244. The number of sustainable returns continues to be very low. Although structures for the return of IDPs are in place and despite the role played by international organizations, complicated return procedures, the lack of economic prospects, difficulties associated with freedom of movement and security-related concerns were mentioned as defining reasons why returns remained limited. Opposing points of view exist on whether a solution to the status of Kosovo would facilitate or hinder the returns process.
- The positions of the sides on the Kosovo settlement proposal remain far apart. The Belgrade authorities and the Kosovo Serb interlocutors remained firmly opposed to the Kosovo settlement proposal and rejected a solution that would entail any form of independence. All called for a solution based on genuine compromise, to be reached through further negotiations between the sides. However, there was recognition that the current *status quo* was not sustainable.
- The mission noted the importance, stressed by many, of promoting a European perspective for the region, including for Kosovo. This European prospect can provide direction for future political and economic development and thus contribute to consolidating stability in Kosovo and also in the region as a whole.

Diplomatic Developments, June 2007 till present

After the Fact Finding-mission, a number of co-sponsors –Belgium, France, Germany, Italy, the UK and the US– developed a revised draft resolution on Kosovo, which they first informally and later *formally circulated*⁹ among the members of the UN Security Council. This process proved to be very long-stretching, with several adjustments being made to the text. The process lingered on during most of the month of June and July 2007.

⁹ Formal circulation is commonly referred to as *putting the draft in "blue"* - which means that the procedural requirements for putting it formally to a vote have commenced. In practice a resolution is often put in "blue" when the sponsors wish to signal that they have come to an end of negotiations and are serious about proceeding to a vote. But there are past examples of a draft resolution in "blue" lying on the table for some time and other examples of negotiations on the text subsequently being resumed.

Meanwhile, when the American president George W. Bush visited Albania in mid-June, 2007, he fully supported the Ahtisaari-plan. During a speech in Tirana, he stated unambiguously that he believed Kosovo should become independent *“sooner rather than later”*. He also said that, if Kosovo doesn't gain independence soon, the United States of America would recognise its independence unilaterally. Serbia and the Russian federation were not very happy with this statement. The Albanian Kosovars, on the other hand, were very glad. They had been dismayed by the suggestion of the French president, Nicholas Sarkozy, at the G-8-Summit of Heiligendamm in June 2007 for a *“six-month postponement”*.

On July 10th, 2007, the UN Secretary-General, Mr. Ban Ki-Moon, warned against any further delay in determining the future status of Kosovo. He said he hoped the UNSC would agree soon on a draft resolution giving the Serbs and Kosovo Albanians four months (120 days) to reach a deal: *“Any further delay will have a very negative impact on peace and security, not only in Kosovo”*. The Russians responded, however, by again stating that the majority of Kosovo Albanians and Serbs must reach agreement *before* the UN plan can be implemented.

The co-sponsors circulated informally the adapted draft of a resolution on Kosovo on 13 July 2007, in a new attempt to reach consensus. As with earlier drafts this one provided for a 120 day period of negotiations between the parties but unlike earlier drafts it did not specify an outcome if negotiations failed (a reference to an *automatic path to “supervised independence”* had been removed). This was done to address the objections of Russia. On 16 July, the Council held informal consultations on the informal draft but could not reach a consensus. Russia made it clear that it still saw this draft as a continuation of the Ahtisaari plan which had been presented to the Council in March. In response the draft resolution was put in blue on 17 July (see full text at the end of this dossier) but included minor changes following comments from South Africa and Indonesia. On 18 June, the EU foreign ministers reiterated that an Ahtisaari-based resolution would provide the basis for a future EU presence and underlined the necessity of *“rapidly finding a solution.”* Macedonia and Albania also gave their support for the Ahtisaari proposal.

However, some voices began cautioning against a quick decision on Kosovo. Carla Del Ponte, the Prosecutor for the International Criminal Tribunal for the former Yugoslavia, on 19 June warned the Council that any decision on independence for Kosovo might be better postponed until Serbia had arrested wanted war criminals. On 20 June the co-sponsors of the resolution—the US, France, UK, Belgium, Italy and Slovakia—circulated a new draft to the Council. The new text provided for a 120-day period for the two parties to reach agreement on Kosovo's final status. Significantly, the resolution did not seek to endorse or approve Ahtisaari's conclusions. In particular there was nothing in it which could be seen as an explicit endorsement of his conclusion about independence. Instead its operational effect was simply to implement the detailed change in governance structures and associated safeguards. But these do not of themselves confer independence. The resolution would take effect after 120 days *“unless the Security Council expressly decides otherwise after conducting an evaluation.”* Russia's immediate reaction was that this draft was also unacceptable as the period for negotiations did not provide sufficient incentive for the two parties to negotiate seriously and that the Council should not take a decision now on something that would happen in four months. Serbia's prime minister called for the resolution to be withdrawn. Russia made it clear that it rejected the text on the table (XXX, 2007c). At the end of July 20th, Europe and the US realized that Russia would veto *any* draft resolution that would give Kosovo independence based upon the Ahtisaari plan. The French Ambassador, His Excellency Mr. de la Sabliere, stated that the co-sponsors *“would therefore put on hold discussions on the resolution”*. The Co-Sponsors nevertheless reiterated that they continued to believe that the Ahtisaari Plan is the best way forward. The matter was sent back to the Contact Group, made up of the US, France, Germany, the UK, Italy and Russia. The Group

was re-structured and streamlined into a triangle or *Troika* of the EU, the US and Russia. The hope of the co-sponsors is that this informal setting, in which Russia does not hold any veto power, could form a 'nurturing ground' for a solution which could later on find a majority within the UN Security Council.

In an analysis by the UN's home-based 'Security Council Report', the following is reported about the diplomatic situation at the end of July 2007 (XXX, 2007c: 5-6):

"There has been little or no shift in Russia's position. It continues to push for further negotiations between the parties, but does not address the question of how to avoid the inevitable failure of such negotiations. China's position appears to have hardened. European members and the US have worked closely on the resolution and are united on the current draft. However, differences may be emerging. US Undersecretary of State Nicolas Burns has said that the US will support a unilateral declaration of independence, but the Europeans are reluctant¹⁰ to give up a Council-based solution. Over recent months a majority of Council members have made their positions clear, and although there seems to be a clear majority for accepting the resolution, some countries like Indonesia have yet to be convinced. Indonesia has made it clear that it could not accept the idea of automatically reverting to Ahtisaari's proposal after a period of negotiations."

Meanwhile, the Kosovar president stated on July 20th, 2007, that *if negotiations fail, Kosovo will unilaterally declare its independence on November 28th, 2007*. This declaration could act as a possible 'time bomb' under the present, highly delicate negotiations. In a fierce reaction, the Serbian parliament passed a resolution on July 24th, 2007, warning European states and the US against recognizing a unilateral declaration of Kosovo's independence (Crosbie, 2007b). The Serbs voted to *rule out* Kosovo's independence, insisting that the province should remain a part of Serbia (XXX, 2007a).¹¹

At the beginning of August 2007, the EU, Russia and the US each appointed a representative to try to break the deadlock in the negotiations on the final status of Kosovo. These ambassadors have been given four months (120 days) to identify a compromise solution. Serb diplomats however insisted that the talks should not be limited to a 120 day-period, but continue to go on as long as it takes to find a settlement (Crosbie, 2007b). On August 1st, 2007, Secretary-General Ban Ki-Moon issued a "*statement on the new period of engagement on Kosovo*". In this text, the Secretary-General welcomed the initiative by the Contact Group and expressed the hope that the new period of engagement would lead to agreement on Kosovo's future status, which remains a priority for the United Nations. Ban Ki-Moon stated the international community must find a solution that is timely, addresses the key concerns of all communities living in Kosovo and provides clarity for Kosovo's status. The status quo is not sustainable, he added. The Secretary-General also stated that the United Nations Office of the Special Envoy for Kosovo (UNOSEK) would be associated with the process by standing ready to provide information and clarification on request. He added that the UN would continue to play a constructive role in the new period of engagement and continue its major role on the ground in Kosovo. The Secretary-General announced that the Contact Group would report back to him by December 10th, 2007.

¹⁰ Some analysts underline that the EU-foreign policy-chief Solana is especially reluctant to give up a UNSC-based solution; such an absence could endanger the EU-unity & foster a split within the EU.

¹¹ The German FDP-member of the Bundestag, Rainer Stinner, wrote the following about this in an article in the *Frankfurter Allgemeine Zeitung* of December 2006; (1°) any unilateral declaration of independence by the Albanian Kosovars would constitute a judicial violation of UN Security Council Resolution 1244, against which KFOR should act by jailing the responsible leaders; (2°) the countries which recognize Kosovo's unilateral independence, would also effectively violate Resolution 1244, which would have important consequences for those countries participating in UNMIK, (3°) the international-legal basis for UNMIK's presence in Kosovo would then also disintegrate (Leurdijk, 2007: 17-18) !

A Deep International Crisis Seems Imminent



Russia is blocking a UN resolution on the final status of Kosovo because it wants, in its own words, to protect Serbia. According to the *European Voice*, president Putin is using this dossier as a form of 'power prestige'. According to this journal, the Russian president is not blocking a solution to, as he claims, protect Serbia's territorial integrity, but "to annoy the West and exact

a price" (XXX, 2007b). It is difficult to pinpoint the exact intentions of the Kremlin, and the extent to which the Russian federation will be ready to engage in solutions.

Some analysts agree that if Russia would continue to hold out, it might very well be the case that the US could try to put together a 'coalition of the willing' to recognise Kosovo's independence. If that were to happen, the European Union could possibly be split down the middle like in the Iraq-crisis of 2003. A further complicating factor is that elections are to be expected during the autumn, both in Serbia and in Kosovo. The politics on the ground could thus very well make international negotiations even tougher (Crosbie, 2007a).

Other analysts suggest a possible solution for Serbia¹³ to accept a Kosovar independence via offering the Serb republic a time-plan for EU-accession, as well as generous financial assistance to help the transition and get over the trauma of the territorial loss. In such a construction, Kosovo would also be given a 'European perspective' and assistance on the condition that it would modernize its economy, rebuild its institutions and combat crime (see: Trenin, 2007). However, it is hardly for the United States of America to decide upon the membership of the European Union. There are those who believe it is impossible for the EU to provide such a far-reaching commitment at this stage, certainly when taking into account that both Serbia and Kosovo are miles away from adhering to the so-called political and economical 'Copenhagen-criteria' for EU-membership. The question can thus be posed whether this component for a final settlement can be considered a viable option for a solution, or a 'non-starter'. In any event, it is not up to the Security Council to decide upon such a matter. Whether both Serbia and Kosovo could be given 'private assurances' about an "EU-membership perspective" in the margins of these negotiations, also remains an element of some controversy.

It is clear that the situation on the ground in Kosovo could dramatically deteriorate if no diplomatic solution can be found soon. This debate in which you will participate in the UN Security Council can thus indeed be seen as a last chance to avoid renewed bloodshed and a destabilization of the region.

¹³ Negotiations for an *EU-Serbia Stabilization and Association Agreement* were suspended in May 2006 due to Serbia's failure to fully cooperate with the *International Criminal Tribunal for the former Yugoslavia*. The EU however stressed its readiness to resume negotiations pending resolution of the issues with the Tribunal. On the other hand, the *EU is highly supportive of the UN Administration in Kosovo*, providing technical expertise and an EU Representative to the future Kosovo future status. The EU is also advising on economic and EU matters, so as to ensure the compatibility with the EU's Copenhagen criteria for membership (European Commission, 2007).

What Options are on the table, and what consequences might they generate?

In its *'Kosovo Report'* of 2000, the Independent International Commission for Kosovo (IICK) had identified five options, and was clearly *in favour of the last one* (option 5):¹⁴

- **Option 1: A Protectorate**

In essence, **this option takes the current *status quo***, the administration of Kosovo by UNMIK, **and extends it indefinitely into the future**. 1244 would be renewed from year to year, and under its authority, a UN administration would attempt to widen the ambit of local and province-wide self-government. The autonomy and self-government exercised by officials elected in local and province-wide elections would increase over time, and the size and reach of UNMIK would be scaled down. The protectorate option essentially implies that, despite what 1244 promised, the majority and minority communities in Kosovo are not actually ready to enjoy “substantial autonomy and self-government.” The 1244 regime may have promised these goals, but they cannot actually be delivered except in a limited and partial way, subject to international oversight by the UN administration. There is too much suspicion and animosity between ethnic groups to allow the majority to exercise full powers of self-government, and unless there is continual supervision by a protectorate regime, minorities will remain in danger (IICK, 2000). Problem is, *Albanian Kosovars have declared they do not accept the status quo* (see supra).

- **Option 2: A Division of the Kosovar territory**

Ongoing violence towards the minorities in Kosovo, together with the emergence in north Mitrovice/Kosovska Mitrovica and other towns in Kosovo of *Serbian minority enclaves* makes it logical to consider partition of the province as a possible long-term solution. Normatively, partition would acknowledge that the Serbian people have a historical claim to continue to live in Kosovo. In practical terms, a formal partition, negotiated between the Serbian authorities in Belgrade and representatives of the international community would ratify the *de facto* ethnic division of the province that has emerged since June 1999 (IICK, 2000).

According to the International Crisis Group, the only real alternative to the multi-ethnic supervised independence of the Ahtisaari plan is **the partitioning or division of Kosovo between its Albanian majority and Serbia**. *This would be the likely result if the Security Council defers a decision or accedes to Russian demands that negotiations between Serbia and the Kosovo Albanians restart*. The latter would declare independence regardless, their faith in international community promises having been destroyed. Serbia would then at least reclaim a part of Kosovo, north of the River Ibar (International Crisis Group, 2007).¹⁵

- **Option 3: Complete Independence**

Under this option, which is the expressed and long-standing desire of responsible politicians in the majority community, Kosovo should proceed rapidly from substantial autonomy and self-government under UN administration to **full-scale internationally recognized independence as a nation state**. The process towards independence would

¹⁴ For a further analysis of these options, we refer to the text of Dick Leurdijk or of the Commission itself.

¹⁵ In its analysis dating of May 2007, ICG added however: *“Although Serbia favours partition, its first victims would be the 60 per cent of Kosovo’s Serbs who live south of the River Ibar. It would destroy the principle of multi-ethnicity in Kosovo and the surrounding region, and thus defeat the strategic purpose of resolving Kosovo’s status: instead of completing the puzzle of a reconstructed and pacified Western Balkans that, as declared unanimously by EU members, has a future in the European Union, partition could easily create spill-over into surrounding territories and a new unravelling of borders along ethnic fault lines.”* (International Crisis Group, 2007).

begin with the proclamation of a referendum on independence by the first province-wide parliamentary assembly elected under the UN transitional administration. Once this referendum would have produced the likely result, i.e. a substantial popular mandate for independence, independence would be proclaimed by the elected parliament. Serb and Roma minorities within Kosovo are adamantly opposed to independence on the grounds that it would be followed, sooner or later, by the forcible expulsion of their entire communities. Independence for Kosovo, when seen through the eyes of the minorities, looks like a recipe for ethnic majority tyranny (IICK, 2000).

In such a case, the *Serb-dominated north of Kosovo might secede from the rest of the province and join Serbia*. This would likely lead to an exodus of many Serbs living in other parts of the province, possibly in conjunction with violent conflicts. Agreement in the UN would therefore not necessarily guarantee stability in Kosovo (Friesendorf, 2007: 3).

Furthermore, some analysts question Kosovo's economic viability as a state, although yet other analysts believe it could be feasible.

- **Option 4: Autonomy within a democratic Federal Republic of Yugoslavia (or, by adaptation, within the new Republic of Serbia)**

This issue – the vulnerability of minorities in an independent Kosovo – is one principal reason why many Western governments also oppose full, unsupervised independence for Kosovo. Also, some of them share the Russian and Chinese concern about the kind of precedent that would be created by allowing a secessionist movement to achieve independence by violent means. Opposition to independence helps to explain why many Western governments remain reluctantly convinced that the 1244 regime, substantial autonomy and self-government within nominal FRY sovereignty remains the best option for the foreseeable future. In addition, they hope that at some time in the future a post-Milošević Serbia and a re-invigorated and democratized FRY federation, might make it conceivable for the Kosovar Albanian majority to consider a future within a Yugoslav federation as an autonomous republic, effectively self-governing internally, but allowing the federation to represent it internationally. The problem with this scenario is that it presumes the possibility of two peoples who have been at war with each other to, one day living inside the same state (IICK, 2000). However, **since the Federal Republic of Yugoslavia (FRY) or even the Republic of Serbia and Montenegro no longer exist, one could state that this option has become a 'non-starter'**. The Albanian Kosovars would never agree with '*autonomy within the Republic of Serbia*' since they would then take steps backward instead of forward. Serbia still promotes this option, and wants it considered.

- **Option 5: Conditional Independence**

The IICK believed in 2000 that all the people of Kosovo must be given the chance to determine their political future. In this scenario, **a referendum would determine the future of Kosovo, with participation of all minorities and the majority, and under the supervision of the international community (both in matters of external security and of the 'domestic' human rights situation of Kosovo)**. Conditional independence is the phrase that the Independent International Commission for Kosovo in 2000 felt best described the future status that is likely to emerge from such a consultation process: "*Full, unlimited and unconditional independence is impossible in the nature of things, because an independent Kosovar state lacks the key property of statehood, the means to defend itself against external attack. It remains dependent, and will continue to do so, on the KFOR military presence on the ground and on NATO air and sea power. Moreover, as the security situation in Kosovo since 1999 has made abundantly clear, Kosovo lacks the other capacities of statehood: the ability to guarantee internal order, domestic safety and inter-ethnic peace. For these functions normally exercised by states, Kosovo will remain dependent, for years to come, on some form of international security presence, both police and military.*" (IICK, 2000).

- **Option 6: Ahtisaari's plan: a variation of 'Conditional Independence'**

As the Dutch researcher Dick Leurdijk correctly underlines, **the Ahtisaari plan could be seen as a variation of 'Option 5' in the 2000-Kosovo Report, but also entails some important differences.** Ahtisaari's plea for international supervision is mainly prompted by his concern to protect the most vulnerable minority groups in Kosovo (especially the Serbs). The involvement of the international community is also embedded within a much larger framework of democratic development and economic recovery. Furthermore, whereas the *Independent International Commission on Kosovo* considered a referendum for independence, Ahtisaari implicitly is saying the UN Security Council must make the final decision. Finally, the former Finnish president also suggests "*an initial period*" of 120 days of *international supervision*, not found in the 2000-document. Rightly so, Leurdijk thinks this is a rather short period, certainly when taking into account the explosive tensions between Serbs and Albanians (Leurdijk, 2007: 13-14).

Other possible options for the UN Security Council include the following diverse possibilities:

- **Option 7: A 'Barebones Resolution' & six months of postponement**

As an interim measure, the UN Security Council could decide to **adopt a barebones resolution that simply implements the governance parts of Ahtisaari's package** including those that concern the future EU presence and the protection of minorities, **and decide to revisit the wider issues in six months** (XXX, 2007c).

- **Option 8: Kosovo integrated within a 'Greater Albania'**

A minority of Kosovar Albanians continues to demand that **Kosovo be merged with Albania as well as the Albanian-dominated areas of Macedonia** (Friesendorf, 2007).

- Etc.

Some additional elements to take into account during your negotiations, which were developed by the Swiss security analyst Cornelius Friesendorf (Friesendorf, 2007: 3):

- *Should Russia cast its veto in the Security Council*, the US and other countries could still accord recognition to Kosovo. However, in such a scenario, the legitimacy of the new state would be questionable from day one.
- *Should some EU members recognize Kosovo and others refuse to follow suit*, that would even jeopardize the future of the EU mission and therefore of Kosovo's administration. Unity within the EU and among the transatlantic partners is also a prerequisite for the presence of international armed forces, which would have to remain stationed in Kosovo for decades to come, albeit in smaller numbers.
- *Finally, it is not inconceivable that the status quo will continue, i.e.*, that the status question will remain unresolved. If Kosovo does not become independent this year, however, an escalation of violence can hardly be avoided. Conversely, it seems unlikely that Serbia will make good on its threat to break off diplomatic relations with all countries that accord recognition to Kosovo. If Belgrade should continue further to isolate itself politically, the country's economic development would be severely impeded.

Beware of the Dynamics in the Decision-making Arena!

The UN Security Council consists of five permanent members (the so-called “P-5”, with veto powers); the People’s Republic of China, the Republic of France, the Russian Federation, the United Kingdom and the United States of America. *Furthermore*, the Security Council consists of an additional ten non-permanent members; currently Belgium, the Republic of the Congo, Ghana, Indonesia, Italy, Panama, Peru, Qatar, Slovakia and South Africa. *In addition*, a number of delegations will also be invited to the work of the Security Council during the negotiations, a representative of the following countries;

- the Republic of Greece ,
- the Former Yugoslav Republic of Macedonia (FYROM) ,
- the Republic of Albania ,
- the Republic of Serbia ,
- the Republic of Montenegro ,
- Portugal (currently holding the presidency of the European Union) ,
- Duitsland
- UNMIK
- Kosovo (Albanian Kosovar government)

Be aware that these invited people and delegations can be a source of advice and/or exert informal pressures on the negotiations. However, they do *not* have any voting powers in the UN Security Council... At the end of the day, it will thus be upon the 15 to (try to) decide upon an international course of action to safeguard peace and stability.

The presidency of the Security Council will be observed by a number of professors, together with 2 vice-presidents (assistants).¹⁶

The distribution of the delegations among the different Flemish universities is as follows:

 Universiteit Antwerpen	 Vrije Universiteit Brussel	 UNIVERSITEIT GENT	 KATHOLIEKE UNIVERSITEIT LEUVEN
China	Russian federation	France	United Kingdom
Slovakia	Republic of the Congo	Italy	Belgium
Panama	Ghana	Peru	Indonesia
United States of America		South Africa	Qatar
Serbia (<i>observer</i>)	UNMIK (<i>observer</i>)	FYROM (<i>observer</i>)	Montenegro (<i>observer</i>)
Albania (<i>observer</i>)	Portugal (<i>observer</i>)	Duitsland (<i>observer</i>)	Griekenland (<i>observer</i>)
	Kosovo (<i>observer</i>)		

¹⁶ In the parallel Antwerp-session of November , 28th, 2007, additionally organised at the University of Antwerp, the monthly rotating presidency will be observed by the *right honourable representative of Belgium*.

The Role of the Security Council in this Case, and Your Role



Kosovo and the Western Balkans

In the scenario in which we will be negotiating, the consultations between the 'Contact Group' / Troika and Serbian & Albanian Kosovars have made some progress, although not decisive. It is decided that the Co-Sponsors will once again try to seek support within the UN Security Council on the final status of Kosovo.

Together with your colleagues, you will have to come to a decision concerning the following questions;

1. *Can the Ahtisaari-plan be considered a basis for a final status-settlement of Kosovo?*
 - **if the answer is an unambiguous 'no'**, what other options have to form the starting point for a new resolution? (*Protectorate; Division of the Kosovar territory; Complete Independence; Autonomy within a democratic Serbia; Conditional Independence; or even other options?*)
 - **if the answer is an inconclusive 'maybe'**, what elements within the Ahtisaari-proposal can/should be 'rescued', and which other additional provisions should be added?
 - **if the answer is a 'yes'**, how should the plan be incorporated so as to include both the latest 'developments on the ground' and results of the diplomatic debates? What other measures should be added? What modalities have to be build in, and how to operationalize?
2. *In the final status resolution which you will try to draft, the following aspects should be incorporated:*
 - definition of Kosovo as an entity (within the international community);
 - relationship of Kosovar institutions of self-government to any continuing UN administrative presence, and to the NATO/KFOR security presence;
 - nature of Kosovo's borders and its relationship to neighbouring states;
 - relationship of the province to Serbia (if applicable).
3. *Should the parties be given additional time to reach a settlement (solely) on their own? If yes, what are the modalities of such an arrangement?*
4. *Should certain 'incentives' or 'penalties' be imposed on the Serb and/or Albanian Kosovars, so as to broker a deal more swiftly? If yes, what kind of incentives/penalties & what kind of time-framework should be envisioned? Can 'automaticity' of an enactment of the Ahtisaari-plan (if the parties cannot agree on their own), be such a stimulus?*
5. *'High politics' outside the actual resolution text, but quite possibly very much a part of the negotiation process; should 'private assurances' be given to some delegations within or without the UN Security Council (e.g. Russia or Serbia), so as to facilitate a deal? Should this dossier of Kosovo's final status be connected 'under the table' with other geopolitical or geostrategical dossiers currently outstanding in East-West relations?*

The UN Security Council will convene in an **Emergency Meeting in Brussels, from December 6th till December 9th, 2007** in an attempt to develop a common answer from the international community to this volatile crisis. A Plenary Session will give each of the member-countries of the UN Security Council an opportunity to influence the course of current international politics. Some other countries will also be invited by the 15 to have a say, although they will themselves not be deciding parties. You will act as the Ambassador of one of the 15, or of an invited delegation. Some delegations, though not all, will receive individual mandates from their capital, which will serve as rough guidelines for the upcoming negotiations. Be aware, however, that negotiations constitute a *dynamic process*; it will be up to you to defend the interests of your country/delegation! You and only you will also be answerable for your actions to your own Government upon returning to your capital. Thus, much is at stake... It will therefore prove crucial that you reflect in advance about the strategy you will follow during the deliberations. For this purpose, you will be asked to write a *position paper* and a *strategy paper* in preparation of the Emergency Meeting in Brussels. The position papers will be officially distributed in advance, before the meeting takes place. The strategy papers however should be considered top secret material which at all times can only circulate *within* and *not between* delegations.

It is very probable that the UN Security Council will move from a formal setting to an informal setting during its deliberations. This is called '*caucusing*', a setting which can be suggested by one or more of the 15 delegations. It is however for the presidency to decide upon the appropriateness of such a course of action. There are two forms of '*caucusing*'; moderated and unmoderated. Both are informal ways of negotiating. The difference can be stated quite simply; (1°) a '*moderated caucus*' is led by the presidency around the negotiating table, (2°) an '*unmoderated caucus*' can be seen as an interaction between delegations away from the negotiating table.

When you return to a formal setting, be aware that a resolution is adopted if 9 out of 15 votes are in favour and if there is no veto against it. Any amendments will be voted upon before the resolution has become final. In procedural matters, a veto cannot be used. The decision about whether or not a matter is procedural is subject to a veto (so-called '*double veto*'). The presidency calls the meeting to order and as it proposed this emergency session of the Council, he/she will speak up first. After this opening address the permanent members will take the floor, followed-up by the non-permanent members. The Secretariat will open a Speakers List. The president chairs the negotiations.

The final goal of the negotiations should be the drafting of a UN Security Council resolution. If this would ultimately prove politically and/or technically unattainable, the negotiating parties can draw up statements, on their own or as a group. If a resolution is attainable, the negotiating parties can also issue explanatory statements. *Last but not least*, if certain countries were to agree upon separate '*secret*' deals (cf. negotiating point number 5), the parties involved will be asked to disclose the content of their arrangements during the evaluation *after* the negotiations, so that a full *group-evaluation* of the political process can be made, all the cards on the table.

A final piece of advice; be aware that the negotiations can also be affected by '*new developments on the ground*'. You must therefore '*be prepared for anything*'.

Good luck!

ANNEX

Other Relevant Facts

Secretary-General's Special Envoy for the Future Status Process

Martti Ahtisaari (Finland)

Special Representative of the Secretary-General

Joachim R cker (Germany)

UNMIK

- Size of UNMIK mission: 483 international, 1,967 national, 142 UN volunteers as of 30 March.
- Size of OSCE mission: 1,300 staff (310 international and 990 local as of 30 September 2006) (Pillar 3) and 447 (114 international and 333 local staff as of 31 March 2007) (Pillar 4)
- Size of EU mission: 125 international staff, 336 local staff

Cost

US\$2.17 billion for fiscal year 2006-2007 (not including OSCE, EU and NATO expenditures)

KFOR (NATO FORCE)

General Roland Kather (Germany)

Size and Composition of Mission

- Size: 16,000 troops
- NATO countries: Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, UK, US
- Non-NATO countries: Argentina, Armenia, Austria, Azerbaijan, Finland, Georgia, Ireland, Morocco, Sweden, Switzerland, Ukraine

UN Documents

Security Council Resolutions

- [S/2007/437](#) (17 July 2007) was the draft resolution on Kosovo. – **see further for the full text of this resolution, which was withdrawn on July 20th, 2007**
- [S/RES/1244](#) (10 June 1999) authorised NATO to secure and enforce the withdrawal of Yugoslav (FRY) forces from Kosovo and established UNMIK.

Selected Presidential Statements

- [S/PRST/2005/51](#) (24 October 2005) declared it was time to begin the political process to determine the future status of Kosovo.

Selected Letters

- [A/61/927 - S/2007/312](#) (25 May 2007) was the letter from the Permanent Representative of Serbia to the Secretary-General containing the proposal to start a new stage of negotiations on the status of Kosovo.
- [S/2007/220](#) (19 April 2007) was the letter from the Council president to the Secretary-General with the terms of reference and composition of the mission to Kosovo.
- [S/2007/168/Add.2](#) (26 March 2007) was the letter from the Secretary-General to the Council president on where to view the map of cadastral zones referred to Ahtisaari's report.
- [S/2007/168](#) and [Add. 1](#) (26 March 2007) was the letter transmitting Ahtisaari's report on Kosovo's future status and the Comprehensive Proposal for the Kosovo Status Settlement.
- [S/2007/130](#) (6 March 2007) was the letter reporting on the operations of the Kosovo Force from 1 to 31 December 2006.

Selected Reports

- [S/2007/395](#) (29 June 2007) was the latest report of the Secretary-General on UNMIK.
- [S/2007/256](#) (4 May 2007) was the report of the Security Council on the Kosovo mission.

**Security Council**

Provisional

17 July 2007

Original: English

Belgium, France, Germany, Italy, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999, and 1244 (1999) of 10 June 1999, and the relevant Statements of its President, in particular its statement of 24 October 2005 (S/PRST/2005/51),

Recalling the Security Council's missions on the Kosovo issue, particularly the mission undertaken from 25 to 28 April 2007, which provided the Security Council with an opportunity to gain first-hand information on the situation in Kosovo, and its report of 4 May 2007 (S/2007/256),

Recognizing the specific circumstances that make Kosovo a case that is sui generis resulting from the disintegration of the former Yugoslavia, including the historical context of Yugoslavia's violent break-up, as well as the massive violence and repression that took place in Kosovo in the period up to and including 1999, the extended period of international administration under resolution 1244, and the UN-led process to determine status, and that this case shall not be taken as a precedent by the Security Council,

Reaffirming its commitment to a multi-ethnic and democratic Kosovo, which will reinforce regional stability,

Recalling the Guiding Principles of the Contact Group,

Recognizing the progress that has been achieved in the implementation of the standards for Kosovo, and calling for their continued implementation in accordance with the European Partnership and the Comprehensive Proposal for the Kosovo Status Settlement (S/2007/168/Add.1),

Reaffirming the urgent necessity for more progress on the return of internally displaced persons and refugees,

Underscoring its determination not to tolerate violence, provocation or intimidation,

Recalling the jurisdiction and mandate of the International Criminal Tribunal for the Former Yugoslavia, and the need for full cooperation with it,

Underlining the importance of the EU-Western Balkans Summit Declaration adopted in Thessaloniki in June 2003, and welcoming the reaffirmation by the European Union of

its commitment to providing the countries of the region a concrete, tangible European perspective,

Reaffirming the important role of women in the prevention and resolution of conflicts and peacebuilding, as reflected in its resolution 1325 (2000) of 31 October 2000,

Acknowledging that the status quo in Kosovo is not sustainable,

Determining that the unresolved situation in Kosovo continues to constitute a threat to international peace and security,

Acting under chapter VII of the Charter of the United Nations,

1. *Expresses its appreciation* to the Secretary-General's Special Envoy for his Report on Kosovo's Future Status (S/2007/168) and his Comprehensive Proposal for the Kosovo Status Settlement (S/2007/168/Add.1);

2. *Takes note* of the declaration of the Kosovo Assembly of 5 April 2007, concerning the Special Envoy's proposals, and *recalls* the commitments therein to the rights of communities and their members;

3. *Welcomes* the willingness of participants in the Contact Group, including the European Union, to encourage and facilitate a further 120-day period of negotiations following adoption of this resolution, in support of the Secretary-General and his Special Envoy, to determine whether common ground can be found, *calls upon* the parties to engage constructively, *requests* the Member States referred to above to brief the Council on developments, and *affirms* its readiness to review the situation further in light of those negotiations;

4. *Welcomes* the willingness of interested parties to appoint an International Civilian Representative ("ICR"), who shall be the same person as the Special Representative of the European Union; of the European Union to establish a European Security and Defense Policy Rule of Law mission ("ESDP Mission"); and of NATO to continue leading an International Military Presence ("IMP");

5. *Expresses its appreciation* to the international civil presence in Kosovo for its efforts during the period of interim administration of Kosovo under resolution 1244 (1999), and *decides* that the mandate of the international civil presence shall terminate at the end of a 120-day transition period following adoption of this resolution and that the existing international civil presence shall implement with the ICR and ESDP during this period all appropriate arrangements for the details and modalities of the transition;

6. *Decides* that the powers and authorities of the ICR shall include powers and authorities to advance democratic, effective and inclusive governance and institutions, the rights of Communities and their members, decentralization of local government, justice and the rule of law, protection of religious and cultural heritage, protection of property rights and the general welfare of the people, and to supervise the decisions of the relevant authorities in Kosovo in this regard and ensure full respect for these principles, *calls upon* the ICR to establish appropriate mechanisms to help coordinate the activities of other international actors, and also *calls upon* other international actors to support the ICR's efforts, particularly by providing information relevant to the exercise of the ICR's functions;

7. *Authorizes* the establishment of a European Union ESDP Mission and decides that the Mission shall have powers and authorities set forth in Annex I of this resolution after the end of the transition period referred to in paragraph 5;

8. *Notes* that the international security presence established under resolution 1244 shall continue to be authorized to carry out its responsibilities for a 120-day transition period following the adoption of this resolution, and *decides* that after completion of this period its powers and authorities shall be those of the IMP and that it shall have the powers and authorities set forth in Annex II to this resolution, and that it shall be authorized to use all necessary means to carry out its responsibilities;

9. *Urges* the ESDP Mission and the IMP to provide mutual support and, together with the ICR, to coordinate closely on security-related issues in Kosovo;

10. *Decides* that the ICR and the ESDP Mission, and their personnel (and their families), premises, archives and other property, shall have the same privileges and immunities as are enjoyed by a diplomatic mission and its personnel (and their families), premises, archives and other property under the Vienna Convention on Diplomatic Relations, and that the IMP shall have the status, privileges and immunities currently provided to the international security presence under UNMIK Regulation 2000/47;

11. *Requests* the ICR to report periodically to the Council, beginning with the first report three months following the adoption of this resolution;

12. *Urges* the Secretary-General to appoint promptly a separate Special Envoy to provide a report to the Secretary-General and the Security Council on the situation concerning refugees and internally displaced persons in the region, and on issues related to missing persons;

13. *Requests* the Organization for Security and Cooperation in Europe to continue to maintain a Mission in Kosovo, including a comprehensive field presence, to support the democratic development of Kosovo and the work of the ICR;

14. *Decides* to remain actively seized of the matter.

Annex I

ESDP Mission

1. The ESDP Mission shall assist Kosovo authorities in their progress towards sustainability and accountability and in further developing and strengthening an independent judiciary and police, ensuring that these institutions are free from political interference and in accordance with internationally recognized standards and European best practices. It shall provide mentoring, monitoring and advice in the area of the rule of law generally, while retaining certain powers, in particular, with respect to the judiciary, police, customs and correctional services, under modalities and for a duration to be determined by the Council of the European Union.
2. The ESDP Mission shall, under the direction of the European Union Special Representative (EUSR), be authorized to:
 - (a) Ensure that cases of war crimes, terrorism, organized crime, corruption, inter-ethnic crimes, financial/economic crimes, and other serious crimes are properly investigated according to the law, including, where appropriate, by international investigators acting with Kosovo authorities or independently;
 - (b) Ensure that cases described in paragraph (a) are properly prosecuted including, where appropriate, by international prosecutors acting jointly with Kosovo prosecutors or independently. Case selection for international prosecutors shall be based upon objective criteria and procedural safeguards, as determined by the Head of the ESDP Mission. International prosecutors shall serve in accordance with Kosovo law;
 - (c) Ensure that cases described in paragraph (a) and property related civil cases are properly adjudicated, including, where appropriate, by international judges sitting independently or on panels with Kosovo judges in the court which has jurisdiction over the case. Case selection for adjudication involving international judges shall be based upon objective criteria and procedural safeguards, as determined by the Head of the ESDP Mission. International judges shall enjoy full independence in the discharge of their judicial duties and shall serve within the Kosovo judicial system in accordance with the law;
 - (d) Ensure that decisions of cases described in paragraph (a) are properly enforced according to the law by the competent Kosovo authorities;
 - (e) Assume other responsibilities independently or with the competent Kosovo authorities to ensure the maintenance and promotion of the rule of law, public order and security;

- (f) In consultation with the ICR, reverse or annul operational decisions taken by the competent Kosovo authorities, as necessary, to ensure the maintenance and promotion of the rule of law, public order and security;
 - (g) Monitor, mentor and advise on all areas related to the rule of law, and the Kosovo authorities shall facilitate such efforts and grant immediate and complete access to any site, person, activity, proceeding, document, or other item or event in Kosovo;
 - (h) Appoint ESDP mission personnel to perform the functions accorded to the ESDP Mission.
3. The Head of the ESDP Mission shall be appointed by the Council of the European Union.
 4. The Head of the ESDP Mission may establish whatever presence he or she deems necessary, at a central and/or local level, to ensure full implementation of the tasks set out in section 2 of this Annex.
 5. The ESDP Mission shall have a unified chain of command.
 6. Kosovo shall facilitate all appropriate assistance to the ESDP Mission necessary for the efficient and effective discharge of its duties, including the provision of logistical and administrative support as necessary.

Annex II

International Military Presence

1. The International Military Presence (IMP) shall be authorized to:
 - (a) Ensure the security of Kosovo from external threats until Kosovo institutions can take responsibility;
 - (b) Provide a safe and secure environment throughout the territory of Kosovo, in conjunction with the ICR and in support of the Kosovo institutions until such time as Kosovo's institutions are capable of assuming responsibility, on a case-by-case basis, for the security tasks performed by the IMP;
 - (c) Supervise and support, with the assistance of others, the establishment and training of the Kosovo Security Force (KSF); this would include vetting potential members to ensure professionalism; striving to achieve appropriate ethnic representation, and, the right of sanction for inappropriate conduct of members of the KSF in coordination with the ICR;
 - (d) Support, and coordinate closely with the work of the ICR, as well as providing military advice to the ICR;
 - (e) Assist and advise with respect to the process of integration in Euro-Atlantic structures;
 - (f) Within means and capabilities, and until tasks can be relinquished to others under programmes to be agreed, assist local authorities and the ICR in:
 - (i) Responding to violent extremists;
 - (ii) Ensuring freedom of movement;
 - (iii) Facilitating refugee return;
 - (iv) Removing, safeguarding and destroying unauthorized weapons;
 - (v) Protecting designated religious and cultural sites;
 - (vi) Conducting border monitoring duties as required; and
 - (vii) Providing support, on a case-by-case basis, to the international community and key civil implementation organizations, in the fulfilment of their respective mandates;

- (g) Supervise, monitor and have executive authority over the KSF until the Force is judged by the IMP, in coordination with the ICR, to be self-sustaining and capable of fulfilling its assigned tasks in accordance with international standards;
 - (h) In consultation with the ICR and Kosovo, have executive authority over the KPC, and to decide on the timing of the KPC's dissolution;
 - (i) Continue the established practice of the current Joint Implementation Commission with the Republic of Serbia. Over time, the activities of the Joint Implementation Commission will be subsumed by a new Joint Military Commission with authorities from Kosovo and the Republic of Serbia to address military security issues of common concern;
 - (j) Establish confidence-building measures between the KSF and defence institutions of the Republic of Serbia, in coordination with the ICR;
 - (k) In the longer term, remain engaged with the KSF to provide advice aimed at Kosovo's further integration into Euro-Atlantic security structures and the involvement of elements from the security force in internationally mandated missions;
 - (l) Support the development of structures and expertise in Kosovo to ensure the effective civilian control and management over the KSF, in particular in the areas of strategy development, force planning, personnel management, Planning, Programming and Budgeting (PPBS), exercise planning and procurement.
2. The IMP will operate under the authority and be subject to the direction and political control of the North Atlantic Council through the NATO Chain of Command. The IMP shall have a unified chain of command.
 3. In fulfilling the IMP's responsibilities, the Head of the IMP shall have the authority, without interference or permission, to do all that he/she judges necessary and proper, including the use of military force, to protect the IMP and other designated personnel and to carry out its responsibilities. The Head of the IMP is the final authority in theatre regarding military tasks of the IMP.
 4. The IMP will have the following authorities:
 - (a) The right to carry out its responsibilities as it deems appropriate, including the use of all necessary force where required and without further sanction, interference or permission;
 - (b) The right to exercise complete and unimpeded freedom of movement throughout Kosovo, by any means;
 - (c) The right to re-establish immediate and full military control of the airspace (or parts thereof) should military requirements so dictate. The Head of the IMP will ensure that Civil Aviation Authority of Kosovo is fully informed about any such decision;
 - (d) The right to conduct inspections of premises and facilities in connection with the fulfilment of its tasks;
 - (e) The right to approve and supervise, in coordination with the ICR, the establishment of all non-police, security-related forces proposed by Kosovo;
 - (f) The right to take action as it deems appropriate in support of its mandate.
 5. In all cases, the authorities of the IMP will be kept under review and, after consultation with the relevant parties and decision by the NAC, adjusted accordingly, on a case-by-case basis, as Kosovo institutions develop capacity and increase ownership and responsibility.

Further Reading on Kosovo

- CROSBIE, Judith (2007a) 'Kosovo's future haunts the UN', in: *European Voice*, 19-25 July 2007, p. 6.
- CROSBIE, Judith (2007b) 'Trio set to pick Kosovo dealmakers', in: *European Voice*, 26 July - 1 August 2007, p. 4.
- CRIEKEMANS, David (1999a) *Operatie Allied Force: de geopolitieke dobbelsteen is geworpen*, in: *De Morgen*, (1999.04.10), p. 2.
- CRIEKEMANS, David (1999b) *De Clinton-doctrine: militaire diplomatie wordt standaard-beleidslijn.*- In: *Kritische geluiden in tijden van oorlog: de Kosovo-crisis*, Antwerpen, UIA, Departement Politieke en Sociale Wetenschappen, p. 5-10.
- CSURGAI, Gyula (2005) *La nation et ses territoires en Europe centrale. Une approche géopolitique.* Berlin: Peter Lang: 271 p.
- EUROPEAN COMMISSION, (2007) *EU Focus: Enlargement of the European Union.* Washington: Delegation of the European Commission to the USA, March 2007, 8 p.
- DE VRIEZE, Franklin (2000) *Kosovo. Waarom de voorspelde oorlog niet werd voorkomen.* Antwerpen: Universiteit Antwerpen (PSW-Papers) & Pax Christi Vlaanderen: 104 p.
- FRIESENDORF, Cornelius (2007) *Ahead of the status decision: Kosovo Between New Violence and Volatile Peace*, in: *CSS Analyses in Security Policy - ETH Zurich, Center for Security Studies (CSS)*, Vol. 2, No. 9, March 2007: 3 p.
- INDEPENDENT INTERNATIONAL COMMISSION ON KOSOVO (IICK), (2000) *The Kosovo Report*, 113 p.,
<http://www.reliefweb.int/library/documents/thekosovoreport.htm>
- INTERNATIONAL CRISIS GROUP (ICG) (2001) *Kosovo: A Strategy for Economic Development*, Europe Report N° 123, 19 December 2001.
- INTERNATIONAL CRISIS GROUP (ICG) (2007) *Kosovo's Final Status*, May 2007, 8 p.
- LEURDIJK, Dick (2007) *De toekomstige status van Kosovo. Dilemma's van voorwaardelijke onafhankelijkheid.* Den Haag: Clingendael Diplomatic Studies Programme, Instituut Clingendael, 30 juli 2007: 18 p.
- OSCE, (2006) *Municipal Profile Mitrovica*, June 2006, p. 8-9),
http://www.osce.org/documents/mik/2005/12/1191_en.pdf
- TURNER, Barry (2002) 'Yugoslavia', in: *The Stateman's Yearbook. The Politics, Cultures and Economics of the World.* New York: Palgrave: pp. 1977-1990.
- TRENIN, Dmitri (2007) 'Cut the Gordian knot in Kosovo', in: *European Voice*, 26 July - 1 August 2007, p. 9.
- VAN DE ROER, Robert (1999) *Frontdiplomaten. Confrontaties met internationale hoofdrolspelers.* s.l.: Uitgeverij Balans: 205 p.
- VICKERS, M. (1998) *Between Serb and Albanian: A History of Kosovo.* London: Hurst.
- WIJNAENDTS, Henry (1993) *Joegoslavische Kroniek. Juli 1991 - Augustus 1992.* Amsterdam: Thomas Rap: 207 p.
- XXX, (2006) *Kosovo sous administration des Nations unies*, 26 p.,
<http://www.tlfq.ulaval.ca/AXL/europe/Kosovo.htm>
- XXX, (2007a) 'Russia and West must find Kosovo solution', in: *European Voice*, 26 July - 1 August 2007, p. 8.
- XXX, (2007b) 'EU leaders must reshape relations with Russia', in: *European Voice*, 2 - 29 August, 2007, p. 8.
- XXX, (2007c) *Security Council Report - Monthly Forecast, July 2007*, 20 p.